



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.327 of 2018
and C.M.P.(MD)No.2049 of 2018

1. The Additional Chief Secretary -cum-
Commissioner of Revenue Administration,
Chepauk, Chennai-5.
2. The District Collector,
Pudukkottai District.
3. The District Treasury Officer,
Pudukkottai District.
4. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District. : Appellants/Respondents 2 to 5

Vs.

1. K.Pannerselvam : 1st Respondent/Petitioner
2. The Accountant General (A&E/GB SSA),
Tamil Nadu Government,
No.361, Annasalai,
Teynampettai, Chennai-18. : 2nd Respondent/1st Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 16.03.2017, made in W.P.(MD)No.11250 of 2016.

Prayer in WP(MD)No.11250 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to confer minimum pension benefits to the petitioner as per the G.O(Standing) No. 158 dated 08.04.2015 with effect from 31.07.2006, on the basis of the petitioner's representation dated 27.04.2016.

For Appellants : Mr.A.K.Baskarapandian,
Special Government Pleader
For Respondent No.1 : Mr.K.Baalasundharam
For Respondent No.2 : Mr.P.Gunasekaran,
Standing Counsel

**JUDGMENT*************[Judgment of the Court was delivered by M.M.SUNDRESH, J.]****WEB COPY**

The only issue that is sought to be raised in this Writ Appeal is to the entitlement of pension, which is to be reckoned from the date of issuance of the Government Order in G.O.Ms.No.158, Revenue Department, dated 08.04.2015 or from the date of retirement.

2. A perusal of the Government Order itself is very clear that the entitlement would start from the date of passing, i.e., from 08.04.2015.

3. As the first respondent himself is seeking pension under the aforesaid Government Order, we are of the view that the order of the learned Single Judge granting pension from the date of retirement requires interference.

4. Accordingly, the Writ Appeal stands allowed in part. Consequently, the appellants are directed to pay pension to the first respondent from the date of the Government Order passed in G.O.Ms.No.158, Revenue Department, dated 08.04.2015. The arrears will have to be paid, within a period of twelve weeks from the date of receipt of a copy of this judgment. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Additional Chief Secretary -cum-
Commissioner of Revenue Administration,
Chepauk, Chennai-5.
2. The District Collector,
Pudukkottai District.
3. The District Treasury Officer,
Pudukkottai District.
4. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

**Copy To:-**

The Accountant General (A&E/GB SSA),
Tamil Nadu Government,
No.361, Annasalai,
Teynampettai, Chennai-18.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 91659
- + 1 CC TO Mr.K.BAALASUNDHARAM, ADVOCATE IN SR No. 91470
- + 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 91562

SML

TE/SV/SAR-2 : 09/11/2018 : 3P/9C

Judgment made in
W.A. (MD) No.327 of 2018
Dated: 23.10.2018